THE COURTS.

THE ATLANTIC BANK DEFALCATION.

Motion to Quash the Indictment--Decision Reserved.

GEORGE FRANCIS TRAIN.

The Irrepressible Pagan Dictator Running a-Muck-Judge Fancher on the Situation-George Likely To Be Let Loose.

FATHER AND CHILD.

Paternal Instincts in a Court of Justice and How Regarded-Kindly Care as an Offset to Religious Teachings.

BUSINESS IN THE OTHER COURTS.

Summaries-Another Comptroller Mandamus-Liability for the Safety of Valuables A Perjury Case in the General Sessions.

James Cahill, who had been indicted for receiving mail bags, knowing them to have been stolen from the Pest Office, was acquitted in the United States Circuit Court yesterday.

Yesterday in the United States Circuit Court, Judge Benedict presiding, the case of F. L. Taintor, who is indicted for embezzling \$400,000, the property of the Atlantic National Bank, was called up, by motion of defendant's counsel to quash the indictment. Counsel argued that the indictment was not specific, and that it does not enable the defendant to know what he is to plead to. The Assistant District Attorney having replied, contending that the indictment was good and sufficient, the Judge took the papers and reserved his

In regard to the report that the charge against John W. Norton, ex-cashier of the Post office, has been compromised, United States District Attorney Bliss states that it is entirely untrue. He also says that the statement that the indictment inst Norton has been put in the "rigeon-holes" is utterly without foundation. This case would have been tried in the June term if Judge Benedict had not announced that he would fi at try all the prisoners who are in jail. Offers to compromise Norton's case have been made, but they were rejected by the District Attorney. Mr. Norton, who is out on bail, will be tried in October.

Yesterday William Cook, of Howard street, was charged, before Commissioner Shields, with passing a \$10 counterfeit bill on Lee, Tweedy & Co. It one, and the defendant was honorably discharged. The irrepressible George Francis Train, in one form or another, continues to haunt the courts Before Judge Fancher, in Supreme Court Chambers, there was a preliminary hearing yesterday upon the writ of habeas corpus obtained directly after the verdict in his recent trial in the Court of Oyer and Terminer, and the order of Judge Davis ordering his transfer to the State Lunation Asylum at Utica. There will be a further hearing on next Monday, and meantime a petition is to be prepared asking an investigation as to his present mental condition. From an observation dropped by the Judge, it seems not unlikely that permission to make such investigation will be granted.
In the suit brought against Bowles Brothers, the

late bankers of Paris, the particulars of which were published in yesterday's HERALD, Judge Fancher yesterday decided that the action would hold against all the defendants, including the special partners. The case will come on for trial

A case involving several questions of special interest touching the right of a father to the care and custody of his child was brought yesterday before Judge Fancher, in Supreme Court Chambers. The full particulars will be found in to-day's law Several decisions in important cases, as will be

seen by the report elsewhere, were given yester day in the Supreme Court General Term.

THE ATLANTIC BANK DEFALCA-TION.

Motion to Quash the Indictment Against Taintor-Argument of Counsel-Deci-

slon Reserved. Judge Benedict sat in the United States Circuit Court yesterday, and proceeded with the disposal of the criminal business.

Mr. John E. Burrill, of counsel for F. L. Taintor, who has been indicted for embezzling \$400,000, the property of the Atlantic National Bank, made a motion to quash the indictment which has been found against Taintor. Mr. Burriil contended, in the course of an able and lengthened address, that the indictment was not specific enough, so as to enable the defendant to know what he was to plead to; that It did not charge when the embezzle ment took place, and that it merely described the money stolen "as divers mon-eys of the United States." Further, there was no allegation in the indictment that the Atlantic Bank ever carried on the business of a banking association. The indictment simply informed the defendant that he was charged with embezzling \$400,000 from the Atlantic National Bank. Counsel beld that the indictment was not specific, and that, in its present shape, the defendant ought not to be called on to plead to it. His Honor would not find any difference in the rule of pleading between indictments for misdemeanor and indictments for felony. This charge amounted to a serious offence, though it might be called misdemeanor. By calling it such the offence was not diminished in the eyes of the Court; and that the Legislature regarded it as a serious offence might be inferred from the fact that the punishment attached to it—ten years' imprisonment—was greater than the punishment attached to many offences which the law described as felomes. So that when a man was indicted for a misdemeanor, to which a serious punishment was attached, he was met with the objection that it was no light matter, and he had to encounter all the disadvantages of a man who was indicted for felony. Yet, was he to be deprived of these rights which the law would give him if he was indicted for felony instead of misdemeanor? He did not ask anything unreasonable. He knew that the Court would do what it could to preserve the rights of the defendant without infringing the rights of the prosecution. He asked the prosecution to specify, what it ought to have specified, if this indictment was properly framed. The exact nature of the offence should be specified, and the defendant ought to be told, in plain terms, what it was the grand jury had found against him.

Mr. A. H. Purdy, United States Assistant District Attorney, resisted the motion on the part of the government. He said if, as had been suggested by the learned gentlemen on the other side, the indictment was defective, not being specific enough, that could be cured by a bill of particulars. In England it was the practice to give a bill of particulars be a bill of particulars. He knew of no American case in which a demand for a bill of particular had been complied with. He was ready to give a bill of particulars, but he had something to say as to the frame of the order for suc held that the indictment was not specific, and that, in its present shape, the defendant ought not to

even coming into his hands as such director. The Supreme Court of the United States had almost gone to the length of declaring and deciding that, if the words of the statute were used in the indictment, that would be sufficient. The first count of this indictment was in the language of the statute, only that it was fuller. The defendant knew that he was charged as cashier of this Atlantic Bank with this embezzlement, and he also knew that it was a national banking association, because the title of the banking statute was set out in the indictment. They had alleged the exact act under which this banking association had been formed. They oftaiged the defendant with embezzling \$400,000 of the assets, moneys of the bank. That description was in the language of the act, to begin with. Counsel on the other side seemed to think that they should be bound by the old English form. In England they passed a statute that merely a statement of money would be enough; but in Massachusetts they had passed a statute doing away with that old requirement. The counts relating to the money he had taken from an indictment that had gone to the Supreme Court of the United States, and it was there held to be sufficient. That was an indictment against a Treasury clerk in Boston of the name of fiartell or some name like that. Counsel on the other side claimed that the description of the money stolen was not sufficient, but on an indictment for enhezzlement, as he (Mr. Purdy) thought, one was not required to describe the property so accurately as in an indictment for larceny. Counsel said, with respect to the moneys, the description gave no information to the prisoner. That was true. But to meet that objection he had set out with sufficient accuracy all denominations of the money it must come under one of those dominations. The prisoner must know what was meant by money of the United States. But the government did not mean to say that he took \$400,000 at one grab. It was not necessary in an indictment for embezzlement to allege to a large with it.

Mr. Burrill having briefly replied, Judge Benedict took the papers and reserved judgment.

TRAIN STILL RUNNING A-MUCK.

His Trip to Utica Postponed for the Present-The Hearing on the Writ of Habeas Corpus-Probable Reinvestigation as to His Sanity-The Great Judicial Problem of the Day.

Another act in the meiodramatic farce in which George Francis Train is the principal character, although mainly a mute personation on his part, like the ghost in "Hamlet," was enacted yesterday in the Supreme Court Chambers, before Judge Fancher. There was a large crowd present, who evidently expected something spicy, knowing the irrepressible proclivity of the great "Dictator" to have his say when brought into a court room; but he simply looked on and listened and said nothing. The writ of habeas corpus procured directly on the termination of his recent trial and the order of Judge Davis consigning him to the State Lunatic Asylum was made returnable yesterday, and it was upon this the matter was brought into this

Asylum was made returnable yesterday, and it was upon this the matter was brought into this Court.

Mr. William F. Howe, counsel for Mr. Train, said that inasmuch as in the trial of Mr. Train before Judge Davis in the Court of Oyer and Terminer he had dissipated visions of Sing Sing, and now only the classic walls of the Utica Insane Asylum was left him, his client wished to go to the latter place in order to test whether he is—as the commitment under which he is held sets forth—insane, or, as all within the hearing of his voice know very well, perfectly sane. He then went on to state that at the sime the writ was issued the commitment had not yet been made out, so that the petition for the present writ simply set forth that Air. Train was held without due process of law.

Judge Pancher suggested that an inquiry should be made here as to Mr. Train's state of mind.

Assistant District Attorney Lyon insisted on a dismissial of the writ and that Train should be forthwith sent to the Utica Insane Asylum.

Mr. Howe contended that Mr. Train was perfectly sane and that the finding of a jury that he was sane was a matter of Court record. He insisted further that the second jury did not find Mr. Train insane. The District Attorney did not fand Train's physical danger, but his great mental ability, and thus was desirous of sending him to Utica, but "no pent up Utica" was the place for snow detained was not returnable at any time like other commitments, but he did not propose that Mr. Train's intellect should be buried within the walls of a lunatic asylum at any one's caprice.

Mr. Howe said that this was simply a trick for the purpose of hurrying off the prisoner to Utica before another writ could be issued, and he claimed, as an act of justice, a full trial should be given Mr. Train as to his present mental condition.

Judge Fancher said that there was no reasonable ground under the statutes why an investigatiou should not be had here as to the present mental condition of Mr. Train, and he accordingly adjourned the writ

CUSTODY OF A CHILD.

Efforts of a Father to Obtain Possession of His Child-A Religious Question Involved-liow Judge Fancher Views the An interesting case, and particularly taken in

connection with the action of the Judge in the matter, having reference to the custody of a child, which the father seeks to obtain, came up yester-day, before Judge Fancher, in Supreme Court, Chambers. The name of the child is Mary Elizabeth small and her age thirteen years. The case came up on an application on a writ of habeas corpus, asking the discharge of the girl from the St. Barnabas Home, which is, as is well known, a branch of the Protestant Episcopal City Mission Society. In obedience to the writ a clerzyman, protessing to represent the St. Barnabas Home, produced the yeang girl in Court. The statement was that the mother of the child brought her to the institution and requested that a good place be found for her. In conformity with this request she had been placed with a family named Stevens, and at the time of the service of the writ was living with this family. The father of the girl, Patrick Small, swore on amdavit that the girl's mother had been an habitual drunkard for twenty years; that he had in vain sought to reclaim her; that, in a drunsen fit, she enticed the girl away from home; that it was some time before he could ascertain where she had taken her; that on learning what she had done he went to the St. Barnabas Home, but they would give him no information about his child, and that, therefore, he applied for the present writ. He stated, further, that he was a Catholic, and objected to his child living under Protestant influences, and his affidavit closed with stating that he was foreman in a bakery, and abundantly able to take care of his child, as he did of his other children. Other affidavits were submitted confirmatory of the statement as to Mrs. Small being an habitual drunkard. "Is the child well taken care of where she is?" asked Judge Fancher.

"She is very kindly cared for," answered the clergyman. "She could net possibly have a better home." Small and her age thirteen years. The case came up on an application on a writ of habeas corpus

clergyman. "She could not possibly have a better home."
"I will give no consideration," pursued the Judge,
"to the question of the child's father being a Catholic and she under Protestant influence. The father can see the child, but he must not interfere with her. The writ is dismissed."

The child was taken away by the clergyman. When asked where Mr. Stevens lived, he could give no more definite answer than on Eighth avenue. The father was too bewildered to say anything, and evidently greatly wondered that the fanciul idea should ever have suggested itself to his mind that a father had any rights as to the care and custody of his children. It is understood that the matter will not end here, but that application will be made to seme other Judge for another writ.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-GENERAL TERM.

The Tenth National Bank Mandamus Against the Comptroller.

Before Judges Ingraham, Brady and Learned. The Tenth National Bank, in 1871, advanced to the Court House Commissioners \$440,000. By a previous act of the Legislature the Commissioners were empowered to call upon the Comptroller for \$750,000, the sum to be raised by loans to complete the new Court House. The drafts of the Commissioners, however, were made subject to the approval of the Board of Apportionment. Of this fund \$200,000 was drawn and deposited in the bank. Requisitions for \$400,000 more of the fund were not paid, leaving the bank a large creditor. By an act passed last year the Comptroller was authorized to issue bonds and to pay advances made by banks. But a day or two later this was modified by providing that this should not apply where there were appropriations already available for the payment. It became a question under these two acts whether the proper remedy of the bank was to come out of the special appropriation of \$750,000 or of the more general appropriation made that year. The bank applied for a mandamus against the Comptroller under the proval of the Board of Apportionment. Of this

latter act. This application was denied in the Court below. In this Court this action was yesterday affirmed, Judge Learned, who gave the opinion of the Court, holding that it does not appear that the requisitions under the act of 1871 were made regularly, so as to give the bank undoubted right against the Comptroller. The bank people do not feel inclined, however, to give up the fight just yet, and under this decision application is to be made for a mandamus against the Board of Apportionment.

Important to Referees. Clews & Co. against Bainbridge and others were fully given when the case first came up in the Courts. The referee in the case went to one of the plaintiffs, against whom there were counter claims, and intimated that the other side was willing to accept a certain sum, and at the same time intimated that if the case went to judgment he would probably have to give a much larger judgment against them. No attention being paid to his statement a judgment was given for a larger sum against the plaintiffs. The report of the referee was set aside and defendants appealed to this Court. Judge havis yesterday gave the opinion of the Court, animuling the decision of the Court below. He holds that while it may be very proper for a Judge or referee in the presence of both parties to suggest a compromise, it puts a referee in a false position to carry the suggestion of one side for a compromise to the other side, and as human nature is weak, it may at least in a weak man raise a prejudice against the party who refuses a compromise and incline him to make him suffer by such refusal. While he ascribes no such weakness to the referee in this particular case he holds that referees in general must be protected from such temptations by an inflexible rule.

A Lesson to Receivers. mated that if the case went to judgment he would

A Lesson to Receivers. Application was made in the case of the Receiver of the Baltic Insurance Company for his removal on the ground that he had neglected his duties in not making a dividend and reinsuring policies. This motion was denied in the Court below. Judge Ingraham, in giving the decision of this Court on the appeal, holds that the excuses of the Receiver are insufficient, as, under the statute, netwithstanding the pendency of suits, he can make a division of funds in his hands. He therefore directs him to call a meeting of the creditors and present his accounts so as to make a dividend to them, and, if proper, to the stockholders; and authorizes the stockholders and creditors in case of failure to do this to renew the motion for the removal of the Receiver. not making a dividend and reinsuring policies. This

Tracy vs. Cerjc.—Judgment ordered on verdict for defendants. Opinion by Judge Learned, Judge Brady dissenting.

Milier et al. vs. Gardner et al.—Order affirmed, with \$10 costs. Opinion by Judge Learned.

By Judges Ingraham and Davis.

The Lee Box and Lumber Company vs. Bevan et al.—Order affirmed, with \$10 costs. Opinion by Judge Davis.

Connell vs. Pyne.—Judgment recessed and new control vs. Pyne.—Judgment recesse

al.—Order amrined, with \$10 costs. Opinion by Judge Davis.
Connell vs. Pyne.—Judgment reversed and new trial ordered; costs to abide crent. Opinion by Judge Davis.
The Dry Dock, East Broadway and Battery Railroad Company vs. Cunningham and Others.—Order as to Gunningham anirmed, with \$10 costs. Opinion by Judge Ingraham.
Merchants' National Bank of Little Rock vs. Hetterer.—Order attirmed, with \$10 costs.

SLPREME COURT-CHAMBERS. Decisions.

By Judge Faucher.

By Judge Fancher.

Labolstein vs. Labolstein.—Report confirmed and judgment of divorce granted; custody of children awarded to the plaintiff.

Stevens vs. Jackson.—The motion to strike out the third paragraph of the answer as shown is granted, with \$10 costs, to abide the event.

Miller vs. Bowles et al.—Motion to place cause on short calendar for first Friday in June is granted as to all the defendants.

In the matter of the petition of George W. Felsom, et al. to vacate assessment.—Motion to vacate the assessment is denied, with \$10 costs.

By Judge Barrett.

Fowle vs. De Witt,—Case settled.

SUPERIOR COURT-TRIAL TERM-PART 2. A Replevin Case-Does Stock Legally Become a Part of Chattel Property? Before Judge Monell.

G. N. Williams and another vs. Patrick M'Cabe and Peeter Vrooman and another.—This was an action of replevin, brought to recover possession of chattels by virtue of a chattel mortgage. In November, 1871, Peter Vrooman and another recovered two judgments against the firm of Leiand & Wight in the Marine Court; an execution was issued and placed in the hands of Patrick M'Cabe. City Marshal, who levied hands of Patrick M'Cabe. City Marshal, who levied upon the preperty in question. Previous to recovering the judgment one H. J. Leland, brother of the Leland or the firm of Leland & Wight, gave a mortgage to the plaintiffs on the chattels, goods, &c., to secure a debt then owed them, and afterwards sold his interest in the business to the firm of Leland and Wight's agent, when the judgments were recovered.

The defence was that as the mortgage covered stock it was void, and also that it was given to hinder creditors. This defence was overruled by the Judge and the jury found a verdict for the plaintiffs for the full amount (‡800) with interest. Culver & Bertrand for plaintiffs. Ex-Mayor Hall for the de endants.

SUPERIOR COURT-SPECIAL TERM.

By Judge Curtis.

Ehlers vs. Ehlers.—Memorandum for counsel.

Morgenthau et al. vs. Hausley et al.—Order that
defendant have extra allowance of five per cent.

Davidson et al. vs. Brown Manufacturing Company.—Order that Clerk correct docket of judgment.

Holment. Decisions.

ment.

Hofmann vs. Fischer et al.—Order that motion for reference to ascertain damages sustained by defendants be denied, without costs.

Burnham vs. Thurman et al.—Order granted.

By Judge Barbour.

Harnett et al. vs. Garvey.—Case filed.

Thomas vs. Pitt.—Case settled, with amendments.

COURT OF COMMON PLEAS-SPECIAL TERM.

Decision. By Judge J. F. Daly.
The People, &c., vs. Albert Marsh et al.—Applica-

COURT OF OYER AND TERMINER.

Plea of Guilty of Felonious Assault-A Put Up Job and Narrow Escape—Error in an Indictment—Killing a Man Through Mistake and the Penalty. There was the usual crowd in this Court yester-

day-Judge Davis on the Bench-but the cases tried embraced no features of special public inter-Richard Hurley saved the county the trouble and

expense of a trial. Having made a felonious assault upon Charles Tilson, he pleaded guilty to the indictment. He was sentenced for six years to State Prison. Patrick McGinney was tried on a charge of break-Patrick McGinney was tried on a charge of oreasing into a cigar store and stealing some sixty dollars' worth of cigars and tobacco. Although some
of the stolen goods were found in his room, his
counsel, Mr. William F. Kintzing, showed, through
the ingenious cross-examination of a witness for
the prosecution, very clearly that he was innocent
of the charge, and the jury rendered a verdict of

of the charge, and the jury rendered a verdict of not guilty.

James Byrnes was indicted for an assault, with intent to kill, upon Louis Lockwood. It was shown, however, that the name of the person committed was Louis Lockwell. An attempt was made to secure his acquittal on this ground, but the Judge ordered him to be remanded till a new indictment could be made against him.

Robert Smith was next tried on a charge of manistingher in killing Edward Doran, in April last, at a liquor saloon in Greenwich street. The evidence showed that there was a difficulty between two other parties, all being pretty well under the influence of liquor at the time, when Smith went to strike one of them, and, by mistake, hit the deceased, injuring him so that he died nine days afterwards. Mr. William F. Howe, his counsel, urged that the only possible conviction could be manislaughter in the fourth degree, and this verdict was rendered by the jury. Judge Davis said that under the circumstances he would pass a light sentence, and sentenced him for one year to the Penttentiary.

Liability for the Safety of Valuables-A Swimming House Trouble. Before Judge Howland.

Arnold vs. Braun,-The defendant keeps a bathing establishment at Sixty-fifth street and East River. On the 1st of July last the plaintiff testifies that he went with a friend to take a bath, and passing by a building marked "ticket office," because underneath was the sign 'ladies' baths," approached another structure inside labelled "gentlemen," and after asking the price of tickets, and being informed, handed the person in charge a bill and received his change. He then asked this person if he took charge of the valuables of the bathers, and was informed by him that he did, at the same time exhibiting watches, &c. Plaintiff then handed him his watch, chain and locket, valued at \$150, and asked for a check; to which the person replied that it was unnecessary. After taking his bath plaintiff applied for his property, but was informed that it had been stolen, whereupon this action was brought against the propriector for the value. The defence set up was that the person who took charge of plaintiff's property was wholly unauthorized to do so or to take the pay for admission, but simply te furnish towels and bathing dresses, and that an abundance of signs about the place showed where the plaintiff sheuld have left his property. The Court charged the jury that if from the arrangement of the premises and approached another structure inside labelled

the position occupied by this person the plaintiff was reasonably led to suppose that this was the proper place to deposit valuables he would be entitled to recover. Verdict in favor of plaintiff for \$150.

COURT OF CENERAL SESSIONS. The Perjury Case-Acquittal of the De-

Before Judge Sutherland. The trial of Morris Southal, charged with perjury, was concluded yesterday morning. His r delivered an elaborate charge to the jury, indor delivered an elaborate charge to the jury, in which he said it was one of the most remarkable cases of perjury that he had ever tried, for there was wilful, corrupt and malicious perjury committed either by David Kline (the complainant) and his wife, two daughters and son, or else the defendant and two merchants examined for the delence swere to a deliberate falsehood. After deuberating for a few moments the jury rendered a verdict of "not guilty."

Burglary. Frank Clark, who was jointly indicted with three others, pleaded guilty to burglary in the third degree, he having been concerned in burglariously entering the tailor shop of Loeb Frankenthaler, 79 avenue B. He was sent to the State Prison for

Petit Larceny. Patrick Merry and Joseph Rodgers (youths) were convicted of petit larceny. They stole three hats, worth \$9, on the 3d of May, the property of Joseph worth \$9, on the 3d of May, the property of Joseph Rodgers. The prisoner Rodgers was no relative of the owner of the goods. They were each sent to the Penitentiary for six months.

Edward Morris, jointly indicted with James Ward for stealing the contents of the livery stable of Charles Dodd, 69 Allen street, on the 7th of April, pleaded guilty to an attempt at grand larceny. There were mitigating circumstances which led His Honor to limit the punishment to six months' imprisonment in the Penitentiary.

Henry Abby, a boy, was acquitted of a charge of burglariously entering an uninhabitated dwelling house, 72 Orenard street, on the 28th of April last.

BROOKLYN COURTS.

CITY COURT - TRIAL TERM-PART I.

A Former Secretary of the Brooklyn Ferry Company Sucing the Corporation.

Before Judge Nellson. John Berry is suing the Brocklyn Ferry Company to recover \$10,000, alleged to be due him under the following circumstances:—From March, 1855, to May, 1864, he acted as the secretary of the company, May, 1864, he acted as the secretary of the company, and his office in New York was occupied as the office of the company, the books being kept in his safe. He claims that he never received compensation for his duty as secretary or for rent of the office. In 1868 he instit ted suit ayainst the company to recover \$13,750 for services and \$2,500 for rent, and yesterday the cuse was called on for trial. The company claim that Berry was a stockholder and director, and also their attorney and counsel, and that there was no agreement between them that he was to be paid for his services or for the use of his office, save only in the advantages that might accrue from his position as their lawyer. As a further defence the company set up the statute of limitations. Case on.

The Tables Turned.

The Tables Turned. The suit of Contractor Patrick Donlon against the city had a termination unexpected, to the plaintiff at least, in the City Court yesterday.

plaintiff at least, in the City Court yesterday.

Donlon sued for \$8,000 alleged to be due him on his contract for grading and paving Sumter street and for damages sustained by being deprived of the contract.

Corporation Counsel De Witt showed that the plaintiff was deprived of his contract because he did not perform it properly and that it was awarded to another party. The city made a counter-claim for damages resulting from Doulons' failure to tuilli the contract, and the jury rendered a verdict of \$1,200 against him.

CITY COURT-TRIAL TERM-PART 2. Rosanna Walker's Success. Before Judge Reynolds.

Miss Rosanna Walker sued Charles Calvert to recover \$5,000 damages for injuries received by failing through an improperly covered cellarway in front of delendant's premises, 402 Court street. The case was reported in the HERALD of yesterday. The jury awarded plaintiff \$1,800 damages. Suit for a Salary.

George L. Dulaney yesterday brought an action against the Blees Sewing Machine Company to re cover \$1,082, alleged to be due as balance of salary as superintendent in 1870. They presented a counter-claim or \$5,000 for damages alleged to have resulted from the defendant's employment of in-competent hands. Case still on.

COURT OF SESSIONS. A Young Burglar.

A youth named Joseph Reilly was tried for breaking into and robbing Supervisor O'Connell's bar reom, at Atlantic and Troy avenues. It appeared during the trial that Roundsman Barry, who arrested Reilly, told him that "it would go light with him" if he pleaded guilty. The prisoner confessed his guilt to the officer, but subsequently claimed that he was drunk when he made the confession. District Attorney Britton rebuked the officer for holding out such inducements to the prisoner, as he transcended his cuty. Reilly was convicted of burglary in the third degree, and sentenced to the Fenttentiary for one year.

COURT OF APPEALS DAY CALENDAR

ALBANY, N. Y., May 22, 1873.
The following is the Court of Appeals day calendar for Friday. May 23:—Nos. 118, 122, 123, 128, 129, 132, 133 and 134.

MURDERERS AT BELLEVUE HOSPITAL.

The Condition of Jackson, the Negro-Murderer—McDermott, the Wife Mur-derer, Completely Recovered and To Be

Jackson, the negro murderer, who is confined in Believue Hospital for medical treatment, is recov ering rapidly. The cut on his throat shows indica tions of healing, and unless pneumonia sets in he will be fit to go to jail in about three weeks. He is still silent, and writhes on his narrow cot uneasily, now and then drawing long sighs, and sometimes exclaiming, in a lov "oh!" Through the windows of his cell he could see the drizzling rain falling all day, and the condition of the weather had an effect upon his disposition, for he was gloomier and more sullen, if possible, than on Wednesday, His answers were in monosyllables, and at times

and more sullen, if possible, than on Wednesday. His answers were in monosyllables, and at times he would not condescend to atter even these, but maintained a dogged silence. He expressed that he did not succeed in taking his life when he went about it, for he thinks if he had succeeded he would have saved himself much trouble. Be this as it may, he would have saved the county much expense. No one has called to see him since his continement, not even his relatives, who must have heard of his trouble by this time. He ate his meals yesterday, and is regaining his strength, although yet very weak frem loss of blood.

MIDERMOTT.

John McDermott, Wid Durnhared his wife in a tenement house at 426 West Fitty-second sfrect, on Easter Sunday, by mashing her head into a jelly with a six-pound stone-hammer, is confined opposite Jackson. It will be remembered that the cause he assigned for the murder was that his wife was unfaithful to him, and looked with too much favor upon one Patrick Ryan, a coust of his, who poarded in the house. It was stated at the Coroner's inquest that there was not the slightest cause for this jealousy to actuate McDermott to commit the murder, as his wife was a hard-working and respectable woman; the best of mothers, and but for the repulses of her husband, an excellent wife. McDermott was arrested shortly after the murder, and confined in the Twenty-second precinct station house. While here he attempted to commit suicide by butting his head against the fron Washstand which was fastened in one of the cell corners, and would have succeeded had not the officers entered the cell and bound him. He inflicted seven severe scale wounds on his head, and for a time it was doubtful whether he would recover or not. In appearance McDermott bears a striking resemblance to Ennis, the man who murdered his wife at West Farms last Winter. McDermott is a short, thin man, with black eyes, which have a peculiar bright sparkle in them. He brair is black and he wears a full beard of the same color. He has all the app

Summer.

A CASE OF HYDROPHOBIA.

In the cells at Believue there is another man confined—for a misfortune, not a crime—whose name is Bendes. He is about nineteen years of age and a native of Germany. He was bitten by a dog, how long since cannot be ascertained, and he is now afflicted with that most horrible of all diseases, hydrophobia. The poor fellow is mad, and howis and screams in a most horrible manner. He does not speak English, and seems to have no friends, as no one has been to see him since his reception at the hospital on the 20th inst. He boarded at 68 West Forty-third street previous to his attack of nydrophobia, but no one from that place has made application to see him.

AFRICA.

THE WAR IN ASHANTEE.

A Serious Outbreak Against English Rule—The Gold Coast and Its People-Rum and Ammunition the Cause of Hostilities-Transfer of Dutch Settlements to Great Britain-A Bloody Battle and 3,000 Killed-White Reinforcements on Their Way to Guinea.

The war that has broken out between Ashantee

and the inhabitants of the English settlements in Guinea, on the West Coast of Africa, cannot be looked upon as a small matter. The territory under actual British sovereignty menaced is very small, but its commercial importance is fully equal to that of either Tasmania, Western Australia or half a dozen of the lesser West Indian islands. To learn its position on the globe exactly it is only necessary to take up a map of Africa, and looking at a point five degrees north of the Equator, there will be seen on the Atlantic seaboard the spot where stands Cape Coast Ca.tle, the capital of the English settlements. It contains a population of 10,000 blacks and perhaps less than 200 whites, exclusive of the garrison. As its name indicates, it is a fortified position, being the strongest of seven er eights milarly armed factories on the coast, or close to it, maintained for purposes of trade with the interior. British authority, in reality, is not claimed or exercised beyond the actual ground occupied, but it is asserted all along the coast where men-of-war are available, except, of course, where civitized colonies or settlements exist. In the vicinity of Cape Coast Castle are the Fantee tribes, who occupy a large district of country; and more Ashantee. During wars lasting twenty or thirty years, in the present century, with the Ashantees, the Fantees have been the allies of the British and have continued under their protection. In consequence they have enjoyed far greater prosperity than the tribes subject to the barbarous rule of native kings and chiefs. The present invasion of their territory and the battle that has taken place, in which they were defeated, is simply a revival of old efferts of the Ashantees to reduce them to subjection, and is, besides, an open and decided act of war against England—a challenge that has been promptly taken up by that government. STRENGTH AND ORGANIZATION OF THE ASHANTEES.
The Ashantees are formidable enemies. They are

varlike and ferocious. With them to inflict violent and sanguinary deaths is a pastime. In war they spare neither age nor sex. Their personal ornaments are human teeth and human jawbones. The Dutch factories close by have kept them plentifully supplied with guns, powder and lead, and in organization of their armies civilized discipline has been introduced, enabling them to show great fighting power. They have been for generations adding to their territory by conquests and annexations. The Fantees have been the only people who have so far, with any degree of success, resisted their encroachments. In 1824 an expedition under Sir Charles MacCarthy, the British Governor, was defeated and destroyed, and during its progress that officer lost his life. The population of Ashantee is 3,000,000 and constitutes, perhaps, the only compact power, with anything like the same strength in numbers, in Africa, that acknowledges one sovereign. A force of 70,000 Ashantees can be brought into the field, led by one general-in-chief, who would be implicitly obeyed. The Fantees have half a score of kings, each paddling his own cance, and the English, without reinforcements, should they leave their forts, would be only a mouthful for the feroclous enemy. The factories are strongly fortified; but Mr. Knatchbull-Hugessen, Under Secretary of the Colonies, stated a few weeks since in the House of Commons that gether with large supplies of provisions, and two ships-of-war were acting on the coast and several well provisioned. He also aunounced that 100 men of the Second West India regiment had arrived, 150 nounted police had also been despatched, and that the commanding officer had taken every possible means to unite and combine all the available forces for the purposes of detence. THE GOLD COAST AND ITS TRADE.

Guinea, in which the English, Dutch and Portugese factories are situate, has a vague breadth from the Atlantic Ocean towards the interior, and is bounded on the south by the waterless desert which stretches away as far as the great Orange scaboard are known as the Grain Coast, the Ivory Coast, the Slave Coast and the Gold Coast, the latter being in possession of Holland and Great Britain. Liberia and Sierra Leone are to the north. Indigo, pepper, cotton, sugar and paim oil are among the principal articles of export. Ashantce and Fantee abound in gold. It has been found in pieces weighing as much as four pounds. The natives exhibit great skill in the fabrication of articles of gold, and make swords of superior workmanship. It is not to be supposed that the English are dis-

gold, and make swords of superior workmanship. It is not to be supposed that the English are disposed to retire from their possessions on the seaboard, or sillow the Fantees, who act as a barrier against the flerce neighboring tribos, to be overcome. On the other hand, it appears the Colonial Office is bent on extending British dominion in that quarter, and has met with considerable success during the past few years.

RECENT BRITISH ANNEXATION IN AFRICA.

Mr. Pope Hennessy, now in this city, en route to assume the Governorship of the Bahama Islands, was recently Governor of the British possessions on the West Coast of Africa. During his administration the Dutch settlement of Elmins, within ten or twelve miles of Cape Coast Castle, was ceded to England. This town is the strongest on the whole coast and is defended by Fort St. Jago. Its population consists of 10,000 blacks and only thirteen Europeans. The transfer was not agreeable to the Ashantees, who could obtain at Elmina what the English would not seil to them for love or money—namely, guns and ammunition. The barbarians could, however, get for proper consideration, all the rum they wanted, and they were wholesale customers for that commodity. Governor Hennessy, who earned a national reputation as an Irish liberal representative in Parliament, received the thanks of the government for his part in the negotiations, but the war with Ashantee is one of its first fruits. Great Britain has made a demand on Liberia for certain coast territory which she claims belongs to her, and, it is alleged, is fliegally held by that Republic, Earl Granyllie wants the Seaboard between Solymon and Shebar rivers, and in October, 1870, proposed to the Liberian government that the matter in dispute be submitted to the United States as arbitrator. It has not yet been settled. It is referred to in a recent letter written at Monrovia by Captain Shufeldt, of the United States at arbitrator. It has not yet been settled. It is referred to in a recent letter written at Monrovia by Captain

tions. It may be mentioned that Governor liennessy, during his residence there, lost his only son.

THE ORIGIN OF THE WAR.

To get at an understanding of the present difficulties it will be necessary to briefly glance at the past history of the West Coast. The subject is of interest. The early Portuguese navigators, in feeling their way for a passage around the Cape of Good Hope, first made settlements in Guinea. The Dutch, Danes and English followed. The British trade wit. the Gold Coast was placed in the reign of Charles II., inder control of the Royal African Company, whose Governor General was Governor Of Cape Coast Castle. An forts built for the protection of Europeaus were half at certain rents paid to the native kings or chiefs. The Mobarch of Ashantee reduced all the neighboring tribes and States to a condition of vassalage. One of the subkings revolted, and the Fantees, friends of the English, gave him assistance. They were conquered and their country was several times ravaged. In the beginning of the present century the Fantees, being closely pursued by the Ashantees, sought refuge at Cape Coast Castle. The Governor opened fire on the latter, and the English, who had calculated in finding in their new adversaries a prowess somewhat on a level of that of negroes of the coast, were astonished at seeing them rush to the very muzzles of the cannon and fire with such precision that not a man could appear at any embrasure without being instantly brought down. A force of thirty men—the garrison of the castle—against 15,000 could do nothing. Reinforcements were sent. Meantime the castle was blockaded. Frequent attacks were made, and in 1816, the enemy was induced by presents to retire, and the authority of Ashantee was acknowledged over the entire coast.

A KING CONQUENED BY PRESENTS.

The English at Cape Const Castle had been in the habit of paying rent or tribute to the Fantees by notes payable in kind—that is, in rum, powder, guis and lead. The King of Ashantee ot be paying rent or tribute to the Fantees b

settlement being continued. On this a difficulty arose. His sable Majesty complained that there has been subset of the supplied black dust instead of powder. He also complained that they refused to sell animalition and muskets; and he praised the Dutch at Elmina (just ceded to England) for acting fairly, and who, he stated, gave him powder and shot and sent His gold back. In 1820 a commissioner was sent when he arrived he found the King at the head of an army on the eve of attacking the people of Gamen, who were assisted by the Fantees. The commissioner brought with him presents consisting of an army on the eve of attacking the people of Gamen, who were assisted by the Fantees. The commissioner brought with him presents consisting of an army on the eve of attacking the people of Gamen, who were assisted by the Fantees. The commissioner brought with him presents consisting of an army on the eve of attacking the ground that the commission of the factories while the property of the factories of th

British Oficial History of the Outbreak and Its Chief Causes.

A British official correspondence, which has been just issued in London, relative to the cession of the Dutch settlements on the west coast of Africa, presents information which throws light upon the invasion of British territory by the Asbantees. It seems that the King of Ashantee claims Eimina as his own by right, and it is admitted that an annual payment of about eighty pounds sterling (which he represents as tribute) has long been paid him. In a communication to the English Foreign Office. dated February 3, 1871, on the subject of the correspondence between the Colonial Office and the Commander-in-Chief of the West African settlements, Sir Frederick Rogers wrote as follows:-

respondence between the Colonial Office and the Commander-in-Chief of the West African settlements, Sir Frederick Rogers wrote as follows:—

Although it would be impossible for Her Majesty's government to sanction the annual payment to the King of Ashantee of £30, which the Dutch government have paid to him, if it is to be considered as an acknowledgment of any political superiority or territorial ewnership, there is no reason why it should not be paid him by the government of the Gold Coast as an inducement to maintain peace and encourage trade, and continued to him so long as he acted properly toward the British government and the tribes under our protection. Lord Kimberley, however, considers it necessary, before proceeding further with the Convention, that the Dutch government should procure, by such means as they think fit, the renunciation of the claim of the King of Ashantee to Elmina, eige this government may find itself involved in a war with the Ashantees. Colonel Nagtglas remarks, in his statement on the subject, that he can readily understand that the King of Ashantee will be very much annoyed by the transfer of the Dutch possessions, as he will lose the free intercourse, not only with the Elminas, but with the people on the seaside from Assinee to the Volta. Lord Kimberley does not see what is to prevent the Ashantees from having a continued free intercourse with Elmina, nor how the transfer can effect their present position with respect to access to the seaside; but his lordship has no doubt that it would be a happy circumstance if the Ashantees could have direct access to the sea for purposes of trade, and he would readily instruct our authorities on the coast not only to offer no obstruction to such a movement, it conducted by peaceful means and under safe conditions, but to facilitate it as far as lies in their power. The documents transmitted by Sir A. Kennedy prove the absolute necessity that the Dutcn government should, before the completion of the transfer, remove the Ashantee chief, Atjemp

In reply Lord Enfield sent to the Colonial Office correspondence with the Netherlands Minister for Foreign Affairs respecting the claim of the King of Ashantee to the proprietorship of Elmina, on the Ashantee to the proprietorship of Elmina, on the Gold Coast. It would seem from the statement of the Netherlands Minister that there can be no doubt that the title of the Netherlands government to the forts now ceded to England is unquestionable. The suggested payment and "the preposterous idea put forward by the King of Ashantee," It is remarked, "might lead hereafter to difficulties, unless the nature of the payment were get forth in a true light."

FRACTURING A SKULL

Herbert H. Huxlow, of 252 East Seventy-eighth street, sold a horse a few days ago to Peter Monahan, of Sixty-sixth street and Fifth avenue. The beast, it is alleged, was not in as good condition as Huxlow represented, and Monahan, consequently. wished him to take the horse back. Huxlow rewished him to take the horse back. Huxlow refused, but agreed to find a purchaser, and did so Monahan was, however, as little pleased with this second bargain as he was with the first. On Wednesday evening he went to Huxlow's house, and, during a dispute which arose between them about the sale of the horse, Monahan, it is alleged, threw a large stone at Huxlow, hitting him on the head and causing a fracture of the base of the skull. The physician now in attendance thinks he will not recover, and sent a certificate to that effect to Justice Coulter, who locked Monahan up to await the result of the injuries.